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den**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on May 2, 2005 to facsimile telephone number (571) 273-0300.

*David W. Hibler*

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41,071

(Reg. No.)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant(s):	Hu <i>et al.</i>	Group Art Unit:	1652
Application No.:	09/854,844	Appeal No.:	2005-0598
Filed:	05/14/2001	Examiner:	D. Ramirez
Title:	Novel Human Protease and Polynucleotides Encoding the Same	Atty. Docket No.:	LEX-0176-USA

**RESPONSE TO ORDER UNDER 37 C.F.R. § 41.50(d) DATED DECEMBER 1, 2004;  
AND WITHDRAWAL OF APPEAL**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

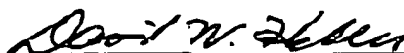
Appellants acknowledge the receipt of the Order Under 37 C.F.R. § 41.50(d) ("the Order") mailed on March 31, 2005, which has been carefully reviewed and studied. While Appellants do not agree with the rejections set forth by the Examiner in the present case, and do not agree with the Board that "(t)he Appeal Brief in this appeal includes essentially the same arguments that were made and rejected by the previous merits panel in Appeal No. 2004-1732" (the Order bridging pages 3 and 4), Appellants hereby withdraw the present appeal (Appeal No. 2005-0598) without prejudice and without disclaimer in order to pursue claims in a continuing application, which was filed on May 2, 2005.

A one month non-extendable time limit for response is set forth in the Order. Thus, the deadline for filing the present response is April 30, 2005, which falls on a Saturday and is therefore extended to Monday, May 2, 2005, under 37 C.F.R. § 1.7. The response is therefore timely filed, and Appellants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

Respectfully submitted,

May 2, 2005

Date



David W. Hibler  
Agent for Appellants

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# Fax

**To:** Dianne Maggard  
Board of Patent Appeals and Interferences

**From:** David W. Hibler *DWH*  
Reg. No. 41,071  
Agent for Appellants

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**Fax:** 571-273-0300

**Date:** May 2, 2005

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**Phone:**

**Pages:** 3 (including coversheet)

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**Re:** Appeal No. 2005-0598  
Application Serial Number: 09/854,844  
Atty. Dkt. No. LEX-0176-USA

**CC:** File

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**•Comments:**

Please find attached a Response to the Order Under 37 C.F.R. § 41.50(d), and Withdrawal of Appeal No. 2005-0598. Please contact me at the number shown above if there are any questions.